

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Olivia Romano, Project Manager

Public Notice Date: December 13, 2004 Expiration Date: January 13, 2005

Reference: 200001094 Name: Northwest Aggregates

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, for certain work described below and shown on the enclosed drawings.

APPLICANT - Northwest Aggregates

Mr. Pete Stoltz Post Office Box 1730 Seattle, Washington 98111 Telephone: (206) 768-7636

LOCATION - In East Passage, Puget Sound at Maury Island, King County, Washington.

WORK - To replace and extend an existing dock. The removal work consists of:

- a. The removal of the existing conveyor trestle, walkways, pier structures, eight dolphins, and four submerged piles.
 - b. The removal of a total of 228 timber piles.

The proposed construction work consists of:

- a. Construction of a barge-loading conveyor tube with three, 4 to 6-pile support bents.
- b. Seven 6-pile berthing dolphins with fenders and aluminum catwalks.
- c. Installation of a maximum of 56 new steel piles.

The new dock will extend up to of 305 feet (ft) waterward of the mean high water line and will run 510 ft parallel to the shoreline. The new dock structure will cover a surface area of 7,796 square feet.

PURPOSE - To load barges with gravel from the existing upland gravel mine on Maury Island.

<u>ADDITIONAL INFORMATION</u> – The proposed project has been modified through the Endangered Species Act (ESA) consultation process and the local shoreline permit processes to reduce the potential impacts to the marine environment. The proposed project extends 120 ft waterward from the outer edge of the existing eelgrass beds to the face of the proposed dock. The conveyor tube is completely enclosed to prevent gravel

spillage from the mining area to the loader. A minimum of 3 ft will be maintained between the loaded barges and the substrate at Mean Lower Low Water line. The existing dock structure covers a surface area of 8,940 square feet. The existing sunken barges indicated on Sheet 6 of 19 will remain in place.

MITIGATION - The applicant has proposed a mitigation plan to mitigate for potential impacts from barge-loading operations. The mitigation plan address impacts from gravel spillage, shading, prop wash, and noise associated with operation of the barge-loading dock. A summary of mitigation measures include: dock extending 120 ft from the outer edge of the existing eelgrass beds; only one barge will be allowed at the dock at any one time; empty barges will remain 2,500 ft waterward of the dock while waiting to load; gravel barges and tugboats will not operate shoreward of the dolphins; tugboats will not operate on the shoreward side of barges at the dock; tugboat/barge configurations will approach and depart the dock at the slow speed as weather conditions will allow; haul-back system will be used to move the barge during loading; tugboats will "back" the barge away from the dock as weather conditions will allow; tugboats will not operate within 120 ft of the eelgrass beds; tugboat operators will avoid directing prop wash towards the shore and will avoid use of excessive thrust; a minimum distance of 3 ft will be maintained between the bottom of barges and the seabed; gravel conveyor will be completely enclosed; the conveyor will place the gravel in the center of barge; a manual limit switch will be installed on the conveyor to prevent the conveyor from operating when a barge is not in place to accept material; only barges with bin wall will be loaded and material will be at least 2 ft below the top of bin walls; a trained dock worker will remain stationed on the dock to observe barge-loading operations; tugboat cress will be trained to watch for situations in which the barge and conveyor are misaligned; barge-loading operations will be monitored by video cameras and periodic monitoring and reporting will be conducted to verify that barge-loading procedures are being followed and to confirm that the mitigation measures are successful. The mitigation plan is available for review upon request.

ENDANGERED SPECIES - The ESA of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle, (Haliaeetus leucocephalus), listed threatened; marbled murrelet (Brachyramphus marmoratus), listed threatened; coastal/Puget Sound bull trout, (Salvelinus confluentus), listed threatened; Puget Sound chinook, (Oncorhynchus tshawytscha), listed threatened; Steller sea lion, (Eumetopias jubatus), listed threatened; humpback whale, (Eumetopias jubatus), listed threatened; and leatherback sea turtle, (Dermochelys coriacea), listed endangered in the state of Washington (State), may occur in the proposed project area. The Corps made a determination of "likely to adversely affect" for bull trout, bald eagle, marbled murrelet, and chinook. A determination of "no effect" was made for Steller sea lion, humpback whale and leatherback sea turtle. Formal consultation under Section 7 of the ESA was initiated with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on May 9, 2003. As a result of the project modifications proposed by the applicant during consultation, the Corps requested the NMFS and USFWS to concur with a "may affect, not likely to adversely affect" determination for bull trout, bald eagle, marbled murrelet, and chinook. By letter dated February 10, 2004, NMFS concurred with the Corps determination of "may affect, but not likely to adversely affect" for chinook. USFWS, by letter dated April 8, 2004, concurred with Corps determination of "may affect, but not likely to adversely affect" for bull trout, bald eagle and marbled murrelet. Section 7 consultation has been completed.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, coastal pelagic species occurs in the project area. The proposed action would impact approximately 3.0 acres of EFH for these species. The Corps determined that the proposed action would adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps initiated EFH consultation with the NMFS on

May 9, 2003. By letter dated, February 10, 2004, NMFS indicated that the conservation measures included as part of the proposed action to address ESA concerns are adequate to avoid, minimize, or otherwise offset potential adverse impacts to EFH, conservation recommendations pursuant to MSA are not necessary. EFH consultation with NMFS has been completed.

<u>CULTURAL RESOURCES</u> - The District Engineer (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The DE invites responses to this public notice from Native American Nations or tribal governments, Federal, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

<u>PUBLIC HEARING</u> - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u> - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

<u>ADDITIONAL EVALUATION</u> - The State is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

This proposal is the subject of Shorelines Substantial Development Permit No. 04-009, and 461-08-560, which is in the process of being issued as directed by the Shoreline Hearing Board on November 3, 2004.

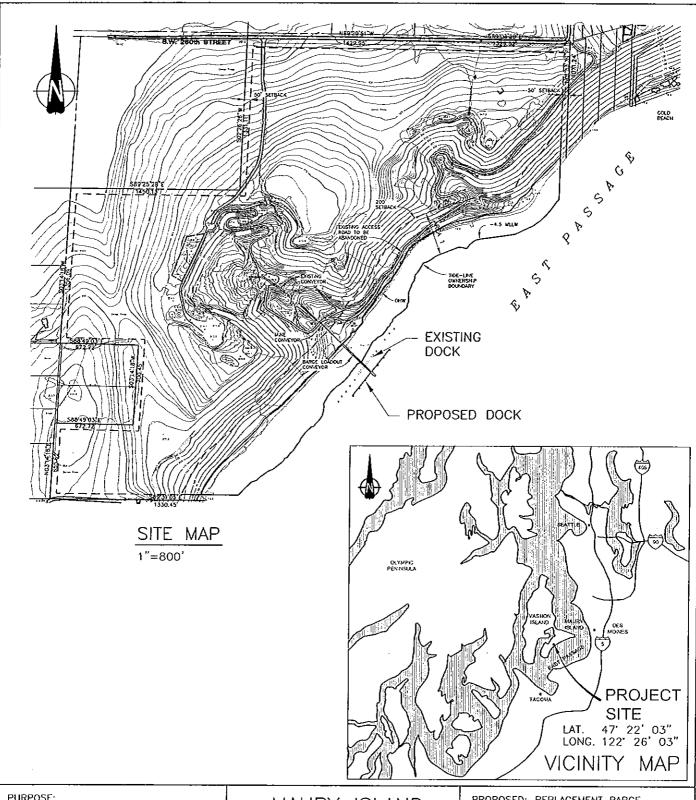
<u>COMMENT AND REVIEW PERIOD</u> – Conventional mail or email comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and

200001094

reference number as shown below. All email comments should be sent to Olivia,H.Romano@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or email comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or email must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Northwest Aggregates, 200001094

Encl Drawings (19)



DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

As Noted Above

NAME: ADDRESS: NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

IN:

EAST PASSAGE

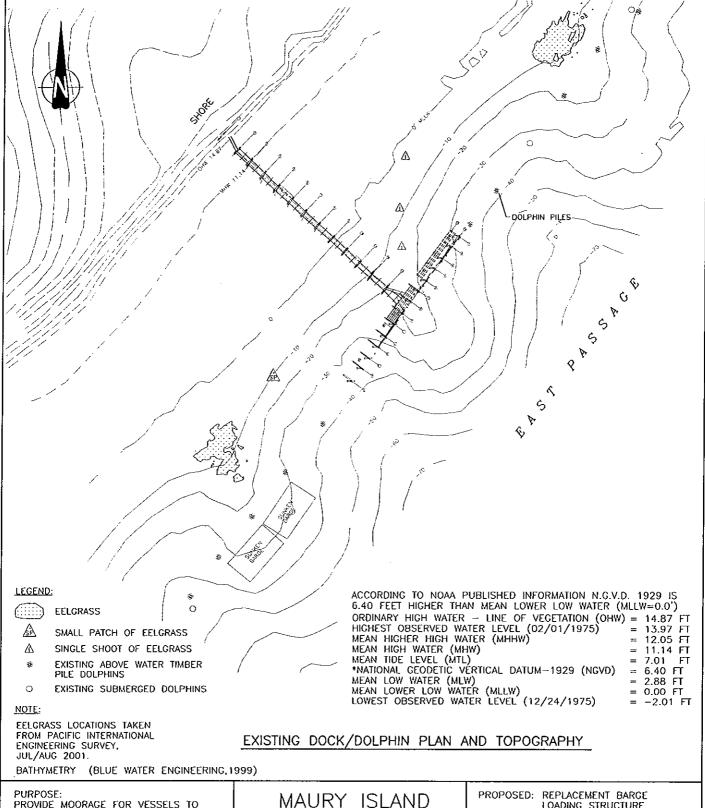
AT:

MAURY ISLAND

COUNTY OF: KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 1 OF 19 DATE: NOVEMBER 2003



DATUM: MLLW

PIER MODIFICATIONS

SCALE:

1"=100"

NAME: ADDRESS: NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

LOADING STRUCTURE

AT:

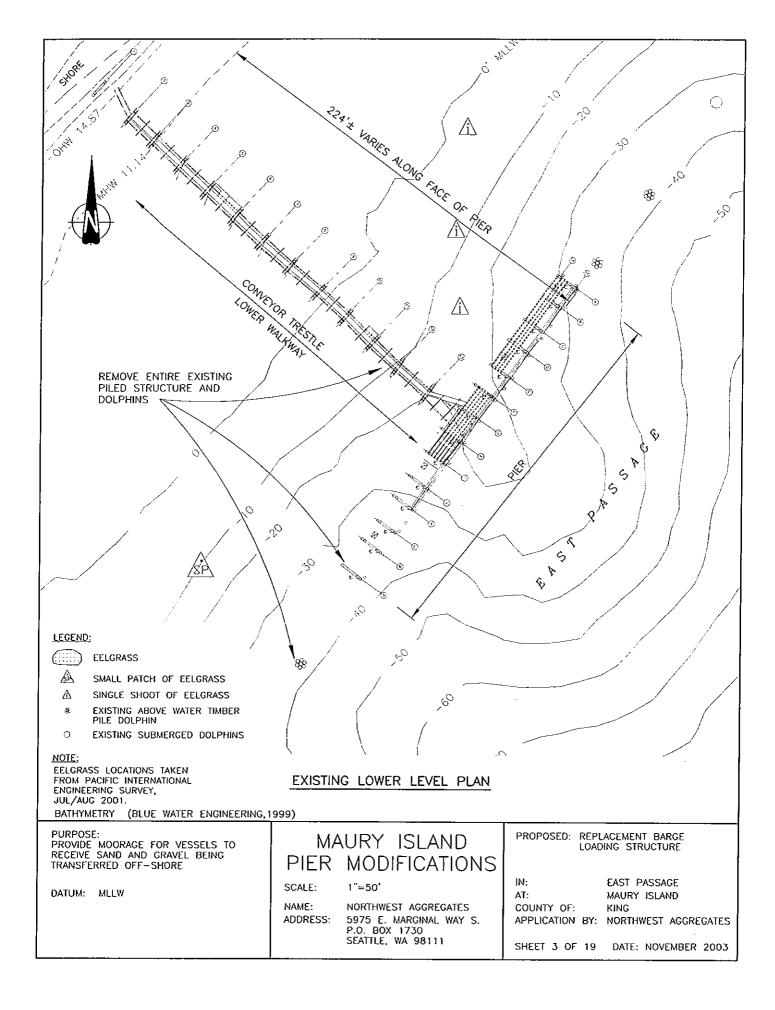
EAST PASSAGE MAURY ISLAND

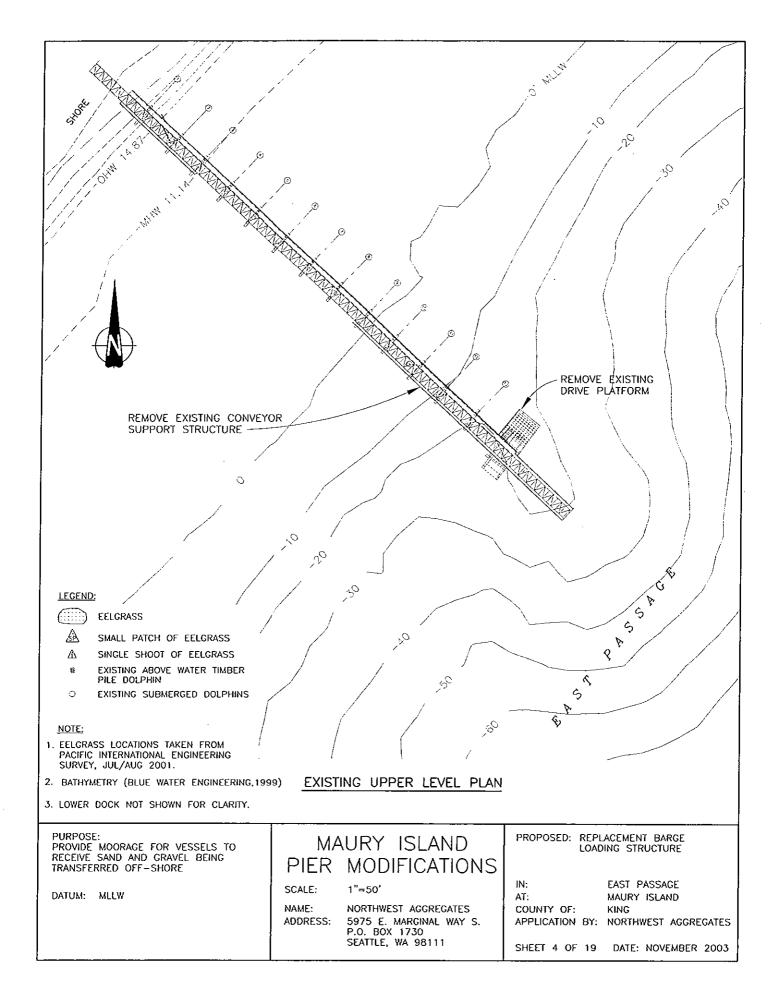
COUNTY OF:

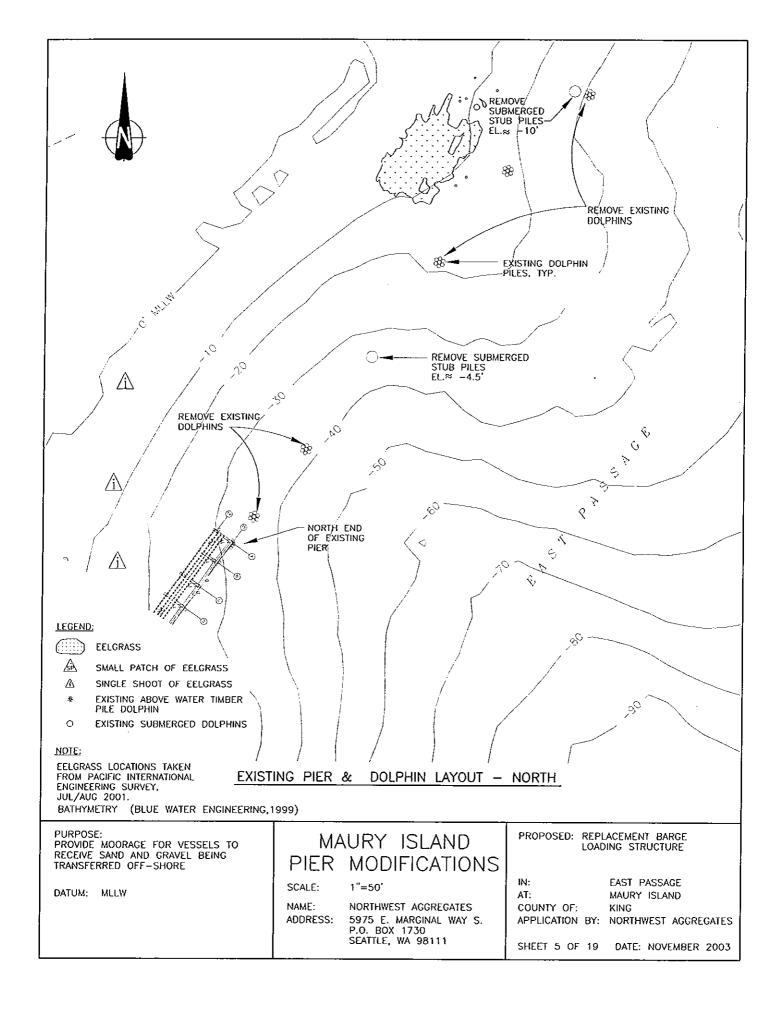
KING

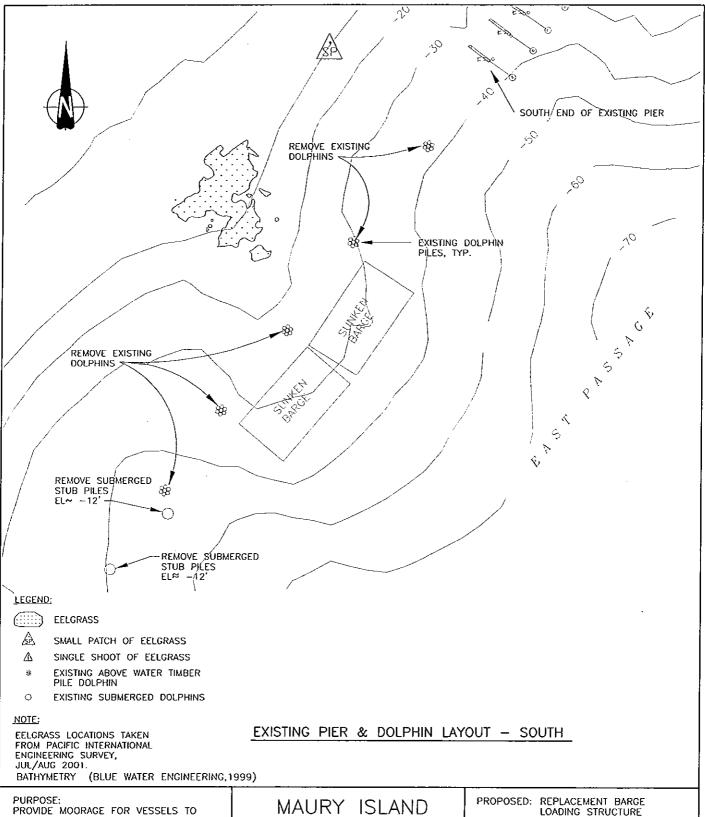
APPLICATION BY: NORTHWEST AGGREGATES

SHEET 2 OF 19 DATE: NOVEMBER 2003









DATUM: MLLW

PIER MODIFICATIONS

SCALE:

1"=50"

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S.

P.O. BOX 1730 SEATTLE, WA 98111

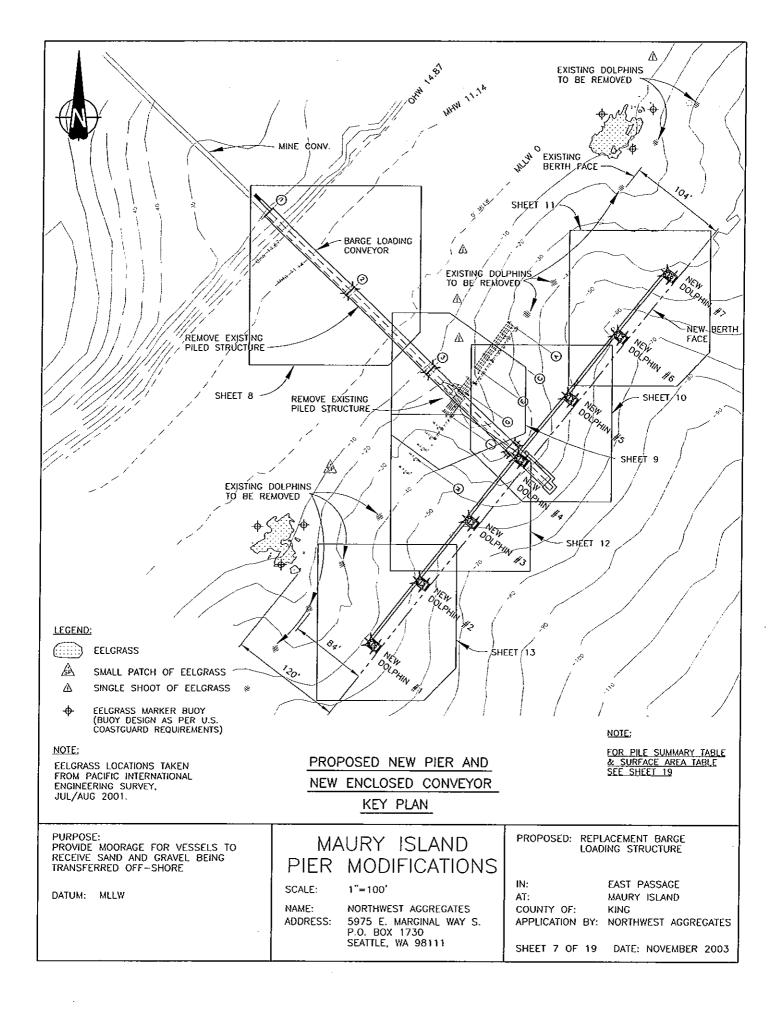
IN: AT: EAST PASSAGE MAURY ISLAND

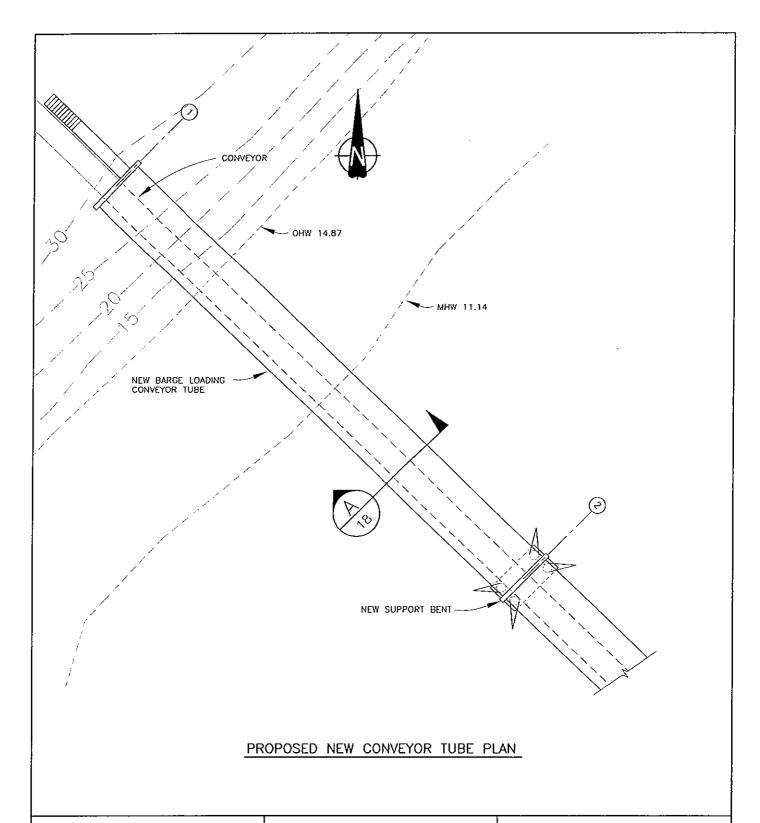
KING

COUNTY OF:

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 6 OF 19 DATE: NOVEMBER 2003





DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=20'

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

IN:

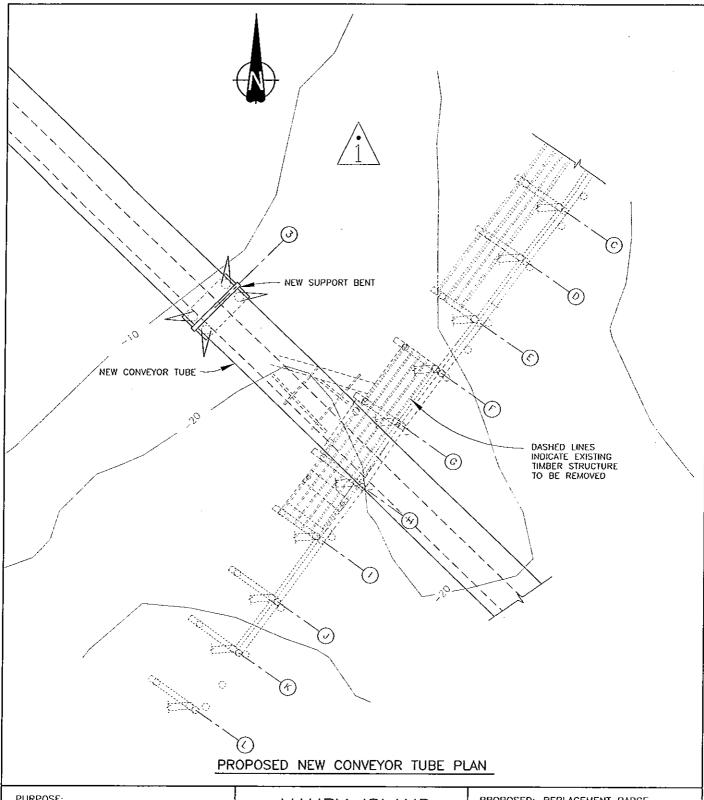
EAST PASSAGE MAURY ISLAND

AT: COUNTY OF:

KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 8 OF 19 DATE: NOVEMBER 2003



DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=20'

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

IN:

EAST PASSAGE

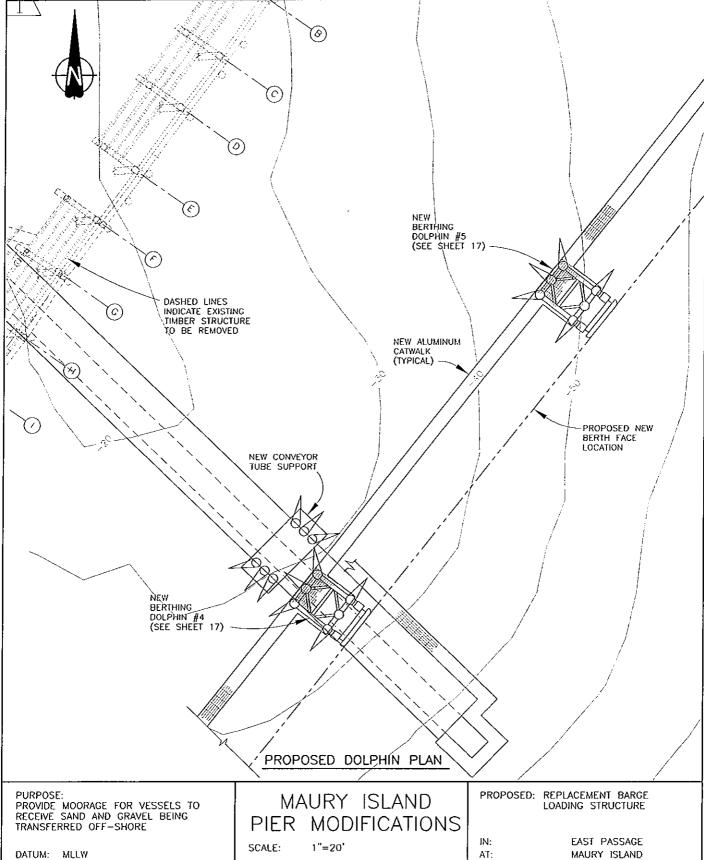
AT:

MAURY ISLAND

COUNTY OF:

KING APPLICATION BY: NORTHWEST AGGREGATES

SHEET 9 OF 19 DATE: NOVEMBER 2003



DATUM: MLLW

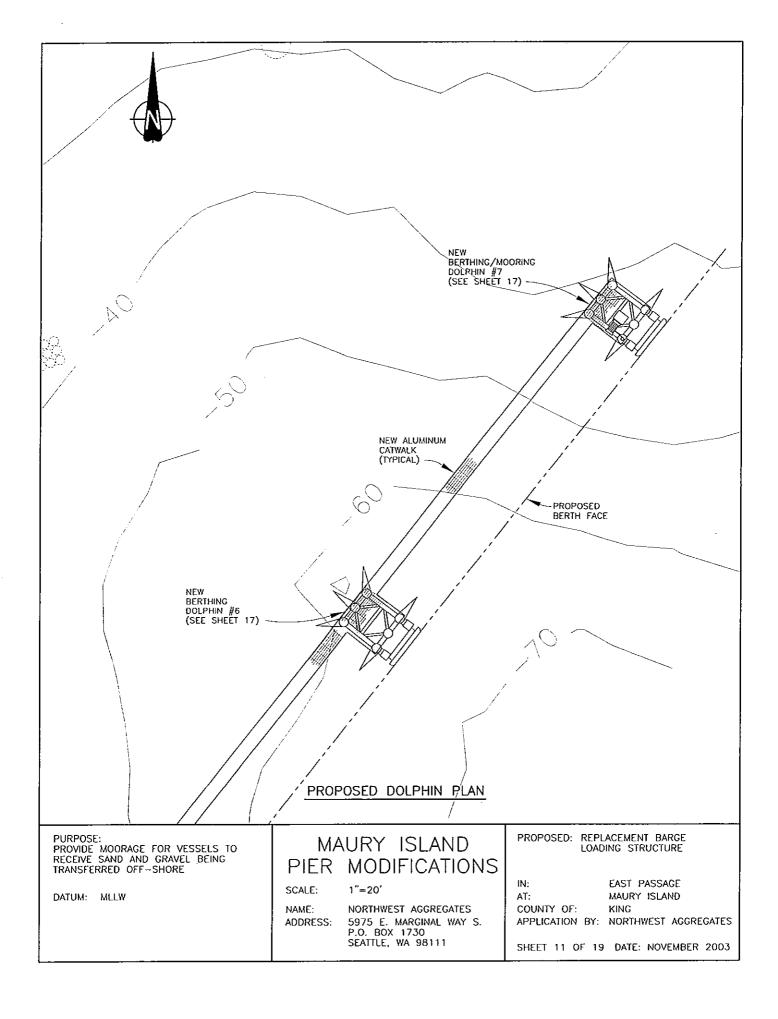
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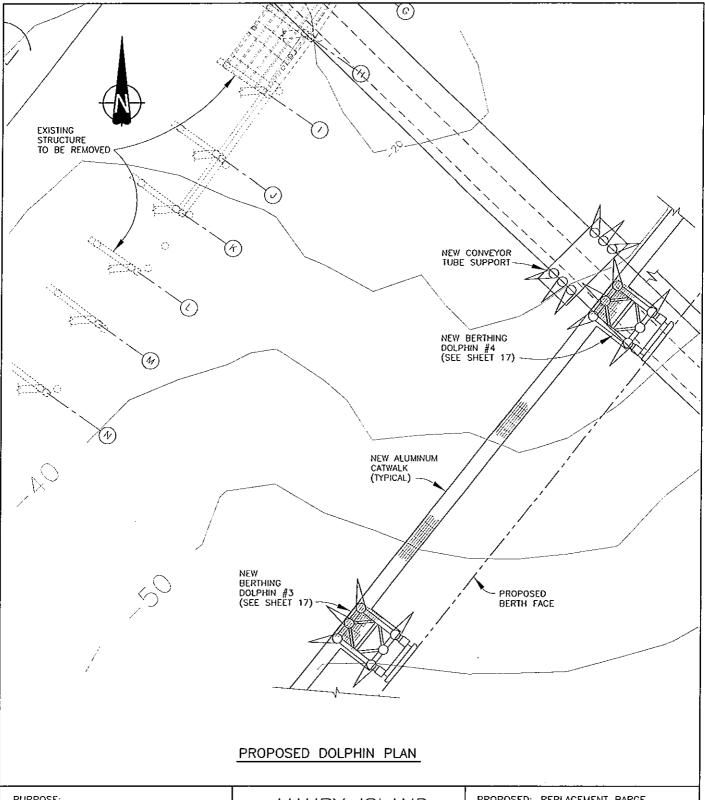
NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. 80X 1730 SEATTLE, WA 98111

COUNTY OF: KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 10 OF 19 DATE: NOVEMBER 2003





DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=20'

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE

LOADING STRUCTURE

AT:

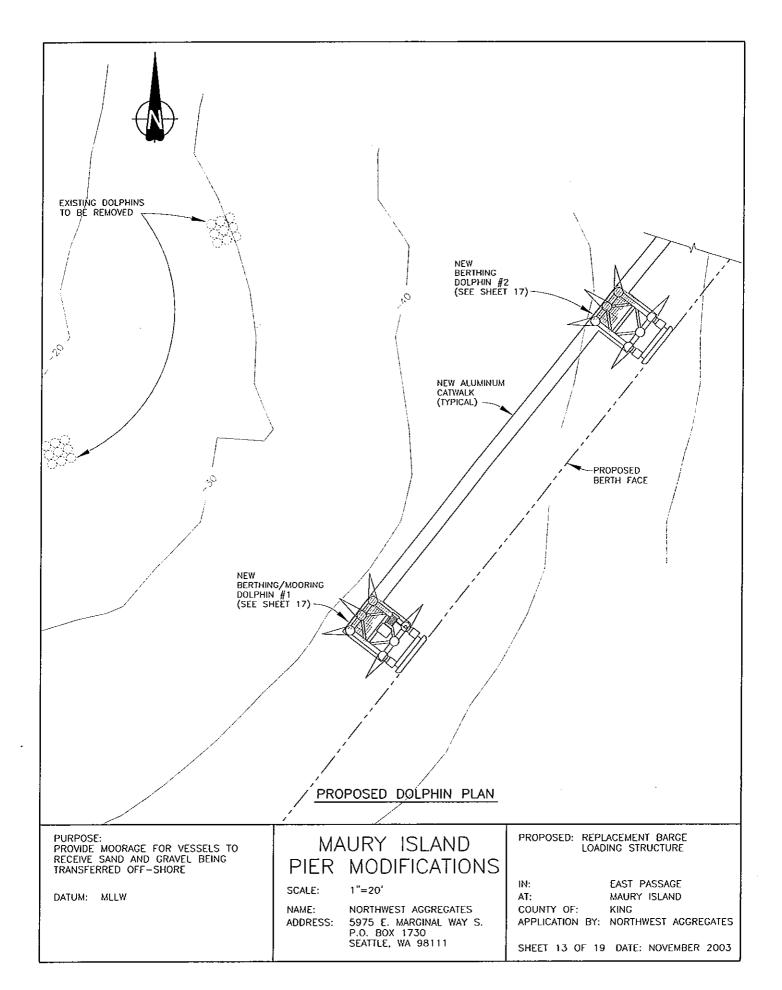
EAST PASSAGE MAURY ISLAND

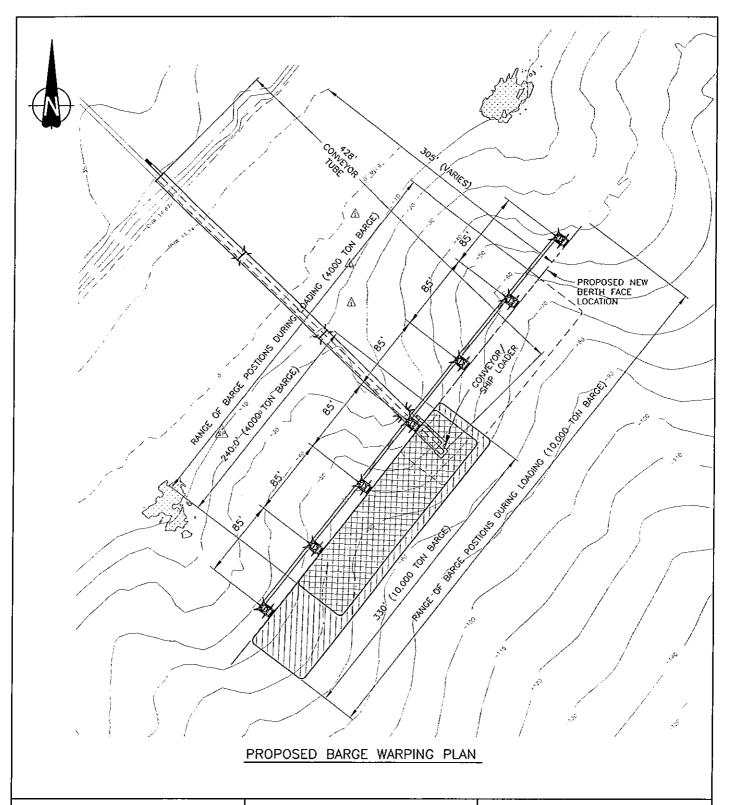
COUNTY OF:

KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 12 OF 19 DATE: NOVEMBER 2003





DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=100"

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

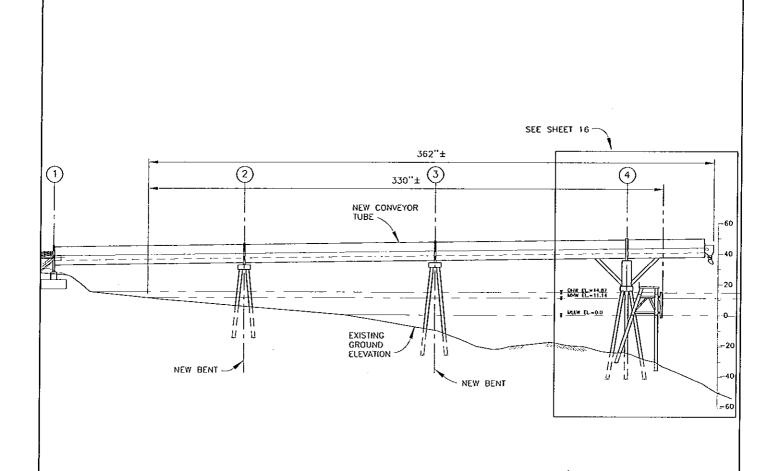
IN: AT:

EAST PASSAGE MAURY ISLAND

COUNTY OF: KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 14 OF 19 DATE: NOVEMBER 2003



PROPOSED BARGE LOADING CONVEYOR ELEVATION

PURPOSE: PROVIDE MOORAGE FOR VESSELS TO RECEIVE SAND AND GRAVEL BEING TRANSFERRED OFF-SHORE

DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=60"

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE

LOADING STRUCTURE

IN:

EAST PASSAGE MAURY ISLAND

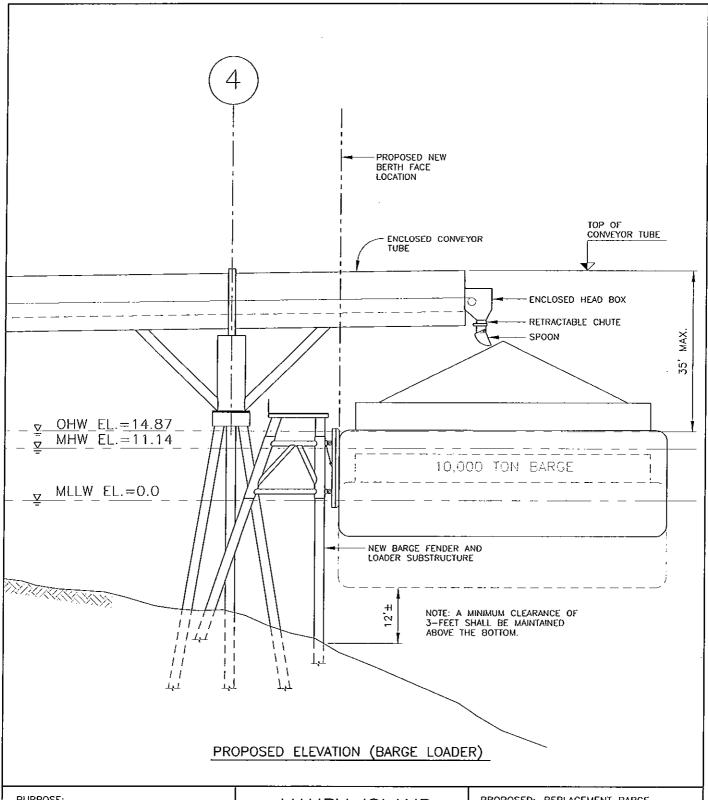
AT:

KING

COUNTY OF:

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 15 OF 19 DATE: NOVEMBER 2003



DATUM: MLLW

MAURY ISLAND PIER MODIFICATIONS

SCALE:

1"=20'

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

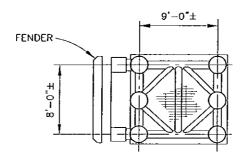
PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

IN: AT: EAST PASSAGE MAURY ISLAND

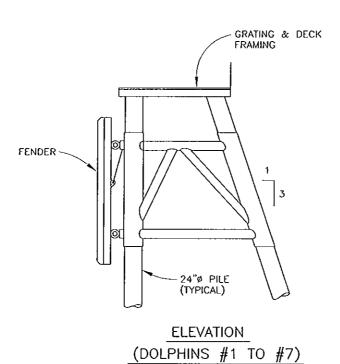
COUNTY OF:

KING APPLICATION BY: NORTHWEST AGGREGATES

SHEET 16 OF 19 DATE: NOVEMBER 2003



PLAN



MAURY ISLAND PIER MODIFICATIONS

SCALE:

3/32"=1'-0"

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

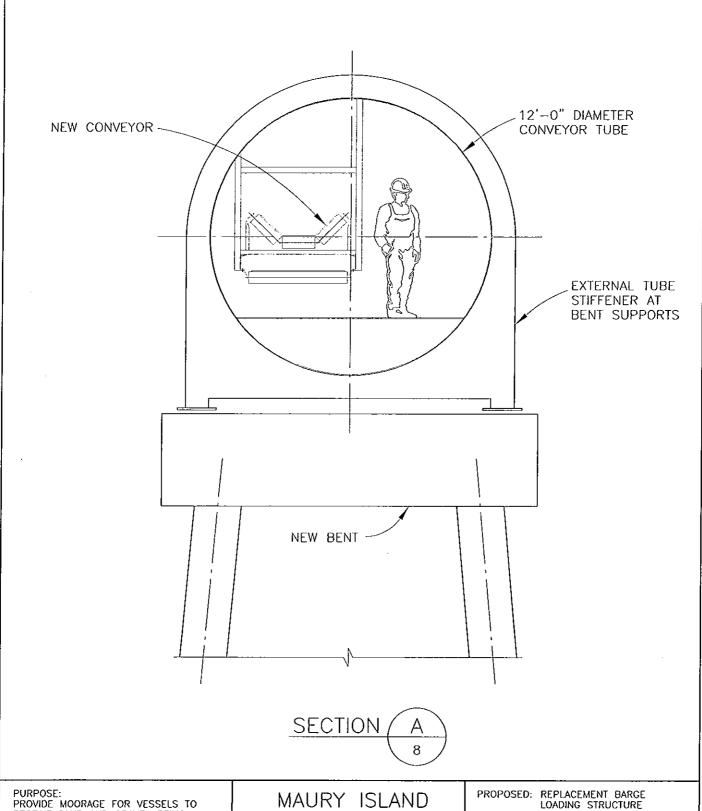
PROPOSED: REPLACEMENT BARGE LOADING STRUCTURE

IN: AT: EAST PASSAGE MAURY ISLAND

COUNTY OF:

KING APPLICATION BY: NORTHWEST AGGREGATES

SHEET 17 OF 19 DATE: NOVEMBER 2003



MAURY ISLAND PIER MODIFICATIONS

SCALE:

NOT TO SCALE

NAME: ADDRESS:

NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

IN: AT: EAST PASSAGE MAURY ISLAND

COUNTY OF:

KING

APPLICATION BY: NORTHWEST AGGREGATES

SHEET 18 OF 19 DATE: NOVEMBER 2003

PILE SUMMARY TABLE										
STRUCTURE	PILE TYPE	TOTAL NUMBER OF EXISTING PILES	NUMBER OF TIMBER PILES TO BE REMOVED	NUMBER OF STEEL REPLACEMENT PILES **	TOTAL NUMBER OF PILES AFTER REPAIRS **					
CONVEYOR TRESTLE	VERTICAL	26	26	8 TO 14	8 TO 14					
PIER	VERTICAL	32	32	0	0					
	BATTER	18	18	0	0					
FENDER SYSTEM	FENDER	21	21	0	0					
DOLPHINS	VERTICAL	105	105	28 TO 42	28 TO 42					
SUBMERGED DOLPHINS	CLUSTER	26	26	0	0					
TOTAL		228 PILES	228 PILES	36 TO 56 PILES	36 TO 56 PILES					

GROSS SURFACE AREA TABLE (TOTAL SF)												
STRUCTURE	EXISTING PILES	REMOVED PILES	**ADDED Piles	** AFTER MODIFICATIONS	EXISTING TIMBER DECK/WALKWAY	REMOVED TIMBER DECK/WALKWAY	ADDED STRUCTURE	FINAL STRUCTUR				
CONVEYOR TRESTLE (LOWER LEVEL) PIER (LOWER LEVEL) FENDER SYSTEM DOLPHIN SUBMERGED DOLPHINS CONVEYOR TRESTLE (UPPER LEVEL) PIER	27.1 62.2 23.5 127.4 33.2	27.1 62.2 23.5 127.4 33.2	25.1 TO 44.0 0 0 0 88 TO 131.9 0	25.1 TO 44.0 0 0 0 88 TO 131.9 0	2640 2520 3410 370	2640 2520 3410 370	0 0 0 980 0 5136 1680*	0 0 0 980 0 5136 1680*				
TOTALS	273.4	273.4	113.1 TO 175.9	113.1 TO 175.9	8940	8940	7796	7796				

** THE FINAL NUMBER OF PILES AND THE CORRESPONDING PILE AREA WILL BE DETERMINED DURING FINAL DESIGN AFTER DETAILED GEOTECHNICAL INFORMATION HAS BEEN OBTAINED BY SOIL BORINGS OR TEST PILES.

* OPEN-GRATED STEEL WITH 75% OPEN AREA

PURPOSE: PROVIDE MOORAGE FOR VESSELS TO RECEIVE SAND AND GRAVEL BEING TRANSFERRED OFF-SHORE

MAURY ISLAND PIER MODIFICATIONS

SCALE:

NOT TO SCALE

NAME: ADDRESS: NORTHWEST AGGREGATES 5975 E. MARGINAL WAY S. P.O. BOX 1730 SEATTLE, WA 98111

PROPOSED: REPLACEMENT BARGE

LOADING STRUCTURE

IN: AT: EAST PASSAGE MAURY ISLAND

COUNTY OF:

KING APPLICATION BY: NORTHWEST AGGREGATES

SHEET 19 OF 19 DATE: NOVEMBER 2003



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 (360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Notice of Application for Certification of Consistency with the Washington Coastal Zone Management Program

Date: December 13, 2004

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the federal Coastal Zone Management Act of 1972(16 U.S.C. 1451), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200001094 will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that Program.

Any person desiring to present views on the project pertaining to the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator Department of Ecology SEA Program Post Office Box 47600 Olympia, Washington 98504-7600